

OAL CHECKLIST
CHANGES WITHOUT REGULATORY EFFECT

OAL File No: _____ - _____ - _____

Agency: _____

Reviewer: _____

Due Date: _____

REQUIREMENT

OK?

PROBLEMS

1. FORM 400 (1 CCR 6)	
Name of agency set out in AGENCY box?	
Subject/topic of changes described in SUBJECT/TOPIC box?	
All SECTIONS AFFECTED and TITLES listed?	
Under TYPE OF FILING, Changes Without Regulatory Effect checked?	
Effective date note: the standard history note for section 100 filings does not specify an effective date. It provides: "Change without regulatory effect amending section filed [date] pursuant to section 100, title 1, California Code of Regulations (Register YY, No. WK)"	
Name of CONTACT PERSON and TELEPHONE NUMBER PROVIDED?	
SIGNATURE OF AGENCY HEAD OR DESIGNEE executed by agency head or someone named in a written, signed delegation order in rulemaking file or on file with OAL? <ul style="list-style-type: none">• DATE specified?• TYPED NAME AND TITLE OF SIGNATORY included?	
2. TEXT OF CHANGES WITHOUT REGULATORY EFFECT	
Text of changes without regulatory effect attached to original and six copies of Form 400? <ul style="list-style-type: none">• Documents incorporated by reference attached to original and six copies? Six duplicate copies of document incorporated by reference <i>not required</i> if it is a formal publication reasonably available from a commonly known or identified source. (1 CCR 20(d))	

<ul style="list-style-type: none"> • Underlying text of regulation match what is filed with Secretary of State and printed in CCR? • Authority and reference citations included? • Underline/italic and strikeout format? 	
3. EXPLANATORY STATEMENT	
<p>Does the agency provide a written statement adequately explaining why the <i>change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision</i> (1CCR 100) including:</p> <ul style="list-style-type: none"> • Renumbering, reordering, or relocating a regulatory provision; • Deleting a regulatory provision for which all statutory or constitutional authority has been repealed; • Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a U.S. District Court located in California, the U.S. Court of Appeals for the Ninth Circuit, or the U.S. Supreme Court; (NOTE: OAL shall not approve any proposed change if based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional); • Revising structure, syntax, cross-reference, grammar, or punctuation; • Changing an “authority” or “reference” citation for a regulation; • Making a regulatory provision consistent with a changed California statute if <i>both</i> the following conditions are met: <ul style="list-style-type: none"> • The regulatory provision is inconsistent with and superseded by the changed statute, and (B) The adopting agency has no discretion to adopt a change which differs in substance from the one chosen. 	
<p>Is each and every change included in the filing a change without regulatory effect?</p>	